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PATENT & TRADEMARK OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Gennady MERKULOV et al. Art Unit: 1646

Serial No. 09/804,474 Examiner: O. Chernyshev

Filed: March 13, 2001 Atty. Docket: CL000891

For: ISOLATED HUMAN TRANSPORTER PROTEINS, NUCLEIC ACID MOLECULES ENCODING HUMAN TRANSPORTER PROTEINS, AND USES THEREOF

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**PRELIMINARY AMENDMENT**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Written Restriction Requirement communicated by the Examiner Chernyshev for the above referenced application.

By way of response, Applicants hereby elect claim group III, claims 4-6, 8-11 and 22-23, directed to nucleic acid molecules, vectors, host cells, etc., for examination and have canceled claims corresponding to the non-elected groups I, II, IV-V, VII-X.

However, Applicants respectfully request that the Examiner reconsider the claim division and include claim 13 in the elected group. Specifically, the point of novelty of claim 13 is the nucleic acid molecules of the claim from which it depends, claim 5. The dependent claim13 provides a specific use (method of detecting a nucleic acid of claim 5) of the subject matter and it is believed that examination of this claim would not unduly burden the Examiner with additional review issues.